

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

FOSTER POULTRY FARMS, LLC,	)	Case No.: 1:24-cv-01154 JLT EPG
	)	
Plaintiff,	)	ORDER GRANTING PLAINTIFF'S MOTION TO
	)	REMAND AND REMANDING THE ACTION TO
v.	)	MERCED COUNTRY SUPERIOR COURT
	)	
PET TREAT HOLDINGS, dba PHELPS	)	(Doc. 22)
INDUSTRIES, LLC, et al.	)	
	)	
Defendants.	)	
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PHELPS INDUSTRIES, LLC,	)	
	)	
Counterclaimant,	)	
	)	
v.	)	
	)	
FOSTER POULTRY FARMS, LLC, et al.,	)	
	)	
Counter-Defendants.	)	
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Foster Poultry Farms LLC initiated this action in Merced County Superior Court, Case No. 24CV-03660, seeking to hold Pet Treat Holdings LLC, doing business as Phelps Industries LLC, liable for violations of breach of contract, intentional interference with contractual relations, conversion, and unfair competition under California law. (*See* Doc. 1-1.) Defendant removed the matter to this Court, asserting this Court has diversity jurisdiction under 28 U.S.C. § 1332. (Doc. 1.)

Plaintiff requests the Court remand the matter to Merced County Superior Court, asserting that

1 “[b]ecause both Phelps and Foster Farms are citizens of Delaware, complete diversity is lacking and so  
2 too is diversity jurisdiction.” (Doc. 22 at 7, citing *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545  
3 U.S. 546, 553 (2005).) In addition, Plaintiff notes there is no subject matter jurisdiction based upon the  
4 claims raised in the complaint. (*Id.* at 2.) Defendant filed a notice of non-opposition, also reporting  
5 information received with Plaintiff’s Corporate Disclosure Statement showed there was not complete  
6 diversity, and as a result “Phelps does not oppose Foster Farm’s request that this matter be remanded to  
7 state court.” (Doc. 25 at 2.)

8 Based upon the information provided by the parties, the Court lacks diversity jurisdiction under  
9 28 U.S.C. § 1332. Accordingly, the Court **ORDERS**:

- 10 1. Plaintiff’s motion to remand (Doc. 22) is **GRANTED**.
- 11 2. The matter is **REMANDED** to Merced County Superior Court.
- 12 3. The Clerk of Court shall mail a certified copy of this order to Merced County Superior  
13 Court.

14  
15 IT IS SO ORDERED.

16 Dated: **January 26, 2025**

  
UNITED STATES DISTRICT JUDGE